

Commonwealth of Virginia
PRIVATE SECURITY SERVICES ADVISORY BOARD

March 8, 2013
Quarterly Board Meeting Minutes

Golden Seal Enterprises
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Winchester, Virginia 22602
(540) 535-7325

Call to Order/Roll Call

At 10:19 AM, Vice Chairman Frank Phillips called the quarterly meeting of the Private Security Services Advisory Board (PSSAB) to order. Mr. Phillips announced that in the absence of Chairman Ellis, he would chair the meeting; and in the absence of Secretary Mary Kay Wakefield, Board member Robert Clark would record the minutes. Roll call taken and a quorum of members were present. The meeting having been duly convened was ready to proceed with business.

Present

Vice Chairman Frank Phillips, Members: Seth Oginz, Craig Branch, Daniel Schmitt, Charles Ciccotti, Robert Clark, Thomas Turner, Gary Ford, James Washburn Jr.

Absent

Chairman Paul Ellis, Members: Mary Kay Wakefield, John Hall, Kevin Hodges, Stokes McCune, Thomas Springs II, (Members provided notification that they would not be in attendance prior to the meeting with the exception of Chairman Ellis).

Approval of the Agenda

Approval of the Agenda was preceded by the reading of the Governors statement of the shooting of Master State Trooper Julius Walker. A moment of silence followed.

Vice Chairman Phillips called for a motion to be made to approve the meeting agenda. Whereas a motion to approve the agenda was made by Charles Ciccotti and seconded by Craig Branch, it was unanimously approved.

Approval of the Minutes

Vice Chairman Phillips called for a motion to be made to approve the minutes from the December 3, 2012 quarterly Board meeting. Whereas a motion to approve the minutes was made by Craig Branch and seconded by Daniel Schmidt, it was unanimously approved.

Committee Reports

With no committee meetings conducted, the Board moved on with no objections.

DCJS Report

Lisa McGee, Regulatory Manager presented the Department's Report. Mrs. McGee provided a status update (listed below) on several relevant regulatory Bills that had been before the State House and Senate in 2012.

In addition, Mrs. McGee discussed the 2012 legislative abolishment and or transfer of State agencies. She indicated that regulatory matters relative to towing are now under DCJS and are being managed by Ms. Barbara Drudge. Subsequently, discussion occurred relative to the towing industry and to the placement of a towing industry representative on the PSSAB. It was agreed by all that this should occur.

General Assembly Update

The General Assembly ended on February 23, 2013. The status of ten bills was reviewed.

- HB1659 – Failed in the House - *Private security services businesses; exceptions for certain out-of-state businesses*
- HB2293 – Failed in the House – *Bail; minimum financial conditions.*
- HB2302 – Passed the House, Failed in the Senate - *Electronic security sales representatives; shall possess valid registration issued by DCJS.*
- SB1190 – Failed in the Senate - *Criminal Justice Services, Department of; electronic security businesses and personnel.*
- HB1363 – Passed both the House and Senate - *Private security services businesses; exempts certain employees and representatives from training.*

Summary as passed:

Private security services businesses; exemption. Exempts employees and sales representatives of an electronic security equipment retailer from training requirements when they (i) sell the equipment at a store location, online, or by telephone, but not at the end user's premises; (ii) are not electronic security technicians; and (iii) do not have access to end user confidential information regarding the end user's electronic security equipment from dispatcher training requirements.

- HB1604 – Passed both the House and Senate, effective July 1, 2013 - *Private security services businesses; carrying firearm in course of duties.*

Summary as passed House:

Department of Criminal Justice Services; private security services businesses; firearms. Prohibits the Criminal Justice Services Board from adopting any regulation that would prevent an employee of any electronic security business, other than an alarm respondent, or a locksmith from carrying a firearm in the course of that person's duties when such person has been issued and carries with him a valid concealed handgun permit.

Note: This bill removes the authority for the Department to establish regulations. Therefore, electronic security individuals and locksmiths are not solely permitted to carry firearms without a firearms endorsement; the Department cannot require that individuals seek permission from their employer to carry a concealed firearm, so it is the decision of the business and not regulated by the Department.

- HB2058 and SB1048 – Passed both the House and Senate - *Conservators of the peace, special; State-owned museums to apply for appointment by circuit court.*

Summary as passed House:

Special conservators of the peace; museums of the Commonwealth. Authorizes any museum owned and managed by the Commonwealth to apply for the appointment by the circuit court of a special conservator of the peace. This bill is identical to [SB 1048](#). Both

bills passed and are on the Governor's desk for signature. If signed, the bills will be effective on July 1, 2013

Tow Truck Driver Program

Mrs. McGee introduced Barbara Drudge to review two bills relative to the towing industry:

- HB1948 – Failed in the Senate - *Tow truck drivers; definition of tow.*
- HB2202 – Passed - *Vehicle towing charges; increases maximum hookup and initial towing fee.*

Summary as introduced:

Vehicle towing charges. Increases from \$125 to \$135 the maximum hookup and initial towing fee that may be charged for the towing of a passenger car from private property without its owner's consent, unless a local ordinance sets a different limit.

Note: The last increase occurred in 2006, between the hours of 7:59a.m. and 6:59p.m. the rate for towing a vehicle increases from \$125 to \$135.

The following Tow Truck Driver Registration Information was provided by Ms. Drudge:

- Effective January 1, 2013, the Department of Criminal Justice Services and the Office of Attorney General (OAG) are responsible for licensing of tow truck drivers only. The OAG is taking over compliance and towing related complaints. These changes do not impact any local governance or oversight of the towing industry.
- Tow and recovery operators are no longer required to be licensed.
- There are changes to the background check requirements for tow truck drivers; this will make an impact on the driver population which will be measured for the overall numbers of tow truck drivers or new registrations. Since January 1st there has been a significant increase in initial driver applications (236) compared to renewal applications (73). Towing is still in the process of transitioning responsibilities from BTRO to DCJS/OAG.
- A tow truck driver failing to register with DCJS is guilty of a Class 3 misdemeanor. A tow truck driver registered with the Department shall have such registration in his possession whenever driving a tow truck on the highways. (See. § 46.2-116.D. of the Code of Virginia)
- Exemptions from DCJS licensing as a tow truck driver includes a franchised motor vehicle dealer as defined in § 46.2-1500 using a tow truck owned by a dealer when transporting a vehicle to or from a repair facility owned by the dealer when the dealer does not receive compensation from the vehicle owner for towing of the vehicle or when transporting a vehicle in which the dealer has an ownership or security interest. (See. § 46.2-116.B. of the Code of Virginia)

Regulatory Affairs News Bulletin and Annual Statistics:

Mrs. McGee reviewed the statistical data on the latest Regulatory Affairs News Bulletin which included statistical data on applications processed by license type, application intake, credentials issued, and criminal history related statistics. The Bulletin also includes statistics in reference to investigations and adjudication of cases. The Regulatory Affairs News Bulletin is available on the Department's website at www.dcjs.virginia.gov/pss/. In addition, Ms. McGee provided an overview of the annual statistics for 2012. This presentation is attached.

Licensing and Customer Service - Neadie Moore, Manager

Ms. Moore reminded everyone that when submitting applications and/or other types of documents to DCJS to please make sure that they are complete with all questions answered to avoid DCJS having to return items to registrants as it increases the amount of time for processing as well as issuing credentials.

Ms. Moore provided information in regard to registrations in which one registration card is issued listing all approved registration categories. If an individual will have multiple categories when completing an Initial Registration or Renewal Registration application, all categories that an individual has been trained and approved in must be checked. These are the ONLY categories that will appear on the registration card. DCJS only issues credential(s) when ALL registration requirements have been met.

Old Business

Regulation Relating to Private Security Services:

The Regulations were submitted to the Criminal Justice Board (CJSB) on December 6, 2012. The public hearing was conducted for the proposed regulations before the Criminal Justice Services Board, Committee on Training (COT). The committee recommended the adoption of the regulations and the Board voted for full adoption. The Regulatory package was submitted to the Attorney General's Office and returned to DCJS verified as being legally sound and are currently at the Department of Planning and Budget going through an economical impact analysis.

Board Comments

Vice Chairman Phillips called for a motion to be made to add, via legislative approval, a towing industry representative to the PSSAB. Whereas a motion to add, via legislative approval, a towing representative to the PSSAB was made by Craig Branch and seconded by Tom Turner, and it was unanimously approved.

Break

At 11:35AM, the Board recessed for a break.

Call to Order

At 11:45PM, the Board was called to order with all members present.

At this time a motion was called for by Vice Chairman Phillips to amend the agenda to include a Closed Session of the Board. Whereas a motion to amend the agenda to include a Closed Session

of the Board was made by Charles Ciccotti and seconded by Craig Branch, it was unanimously approved.

Old Business

Future PSSAB Meeting Dates

Vice Chairman Phillips initiated discussion on future PSSAB meeting dates. The following dates and locations were proposed:

- Tuesday, June 4, 2013, Richmond, Virginia – Location TBD
- Wednesday, September 18, 2013, Tidewater, Virginia (in association with Va. Crime Clinic Conference)
- Tuesday, December 3, 2013, Richmond, Virginia – Location TBD

A motion was called for by Vice Chairman Phillips to approve the dates as listed. Whereas a motion to approve the dates as listed was made by Craig Branch and seconded by Dan Schmitt, it was unanimously approved.

PSSAB Newsletter

Vice Chairman Phillips initiated discussion on the PSSAB Quarterly Newsletter process. Discussion centered on the timely approval and publication of the newsletter. It was resolved that publication of the newsletter should occur within the ten day period following a PSSAB quarterly meeting and to give final approving authority for the newsletter to the PSSAB Chairman and Vice Chairman.

A motion was called for by Vice Chairman Phillips to publish the PSSAB Quarterly Newsletter within the ten day period following a PSSAB quarterly meeting and to give final approving authority for the newsletter to the PSSAB Chairman and Vice Chairman. Whereas a motion to publish the PSSAB Quarterly Newsletter within the ten day period following a PSSAB quarterly meeting and to give final approving authority for the newsletter to the PSSAB Chairman and Vice Chairman was made by Dan Schmitt and seconded by Charles Ciccotti, it was unanimously approved.

Harold McCann Award

Vice Chairman Phillips initiated discussion on the Harold McCann Award. Discussion centered on understanding the award process and what the award represents. It was resolved that applications for the award should be accepted by the Board January 1 through November 30 and that the Board review nominees and choose a recipient at the December PSSAB meeting. It was further resolved that the PSSAB establish an Awards Subcommittee and that Craig Branch be appointed Chair of that subcommittee.

A motion was called for by Vice Chairman Phillips to accept Award nominee applications from January 1 – November 30 and that the Board review and choose an Award recipient at the December meeting of the PSSAB. Whereas a motion to accept Award nominee applications from January 1 – November 30 and that the Board review and choose an Award recipient at the December meeting of the PSSAB was made by Seth Oginz and seconded by James Washburn Jr, it was unanimously approved.

A motion was called for by Vice Chairman Phillips to establish an Awards Subcommittee and to appoint Craig Branch as Chairman of that subcommittee. Whereas a motion to establish an Awards Subcommittee and to appoint Craig Branch as Chairman of that subcommittee was made by Craig Branch and seconded by Charles Ciccotti, it was unanimously approved.

SCOP (Special Conservator of the Peace)

Vice Chairman Phillips initiated discussion on clarifying whether or not the Code of Virginia prohibits a private security services business from providing SCOP services for-profit. Discussion centered on DCJS's opinion that they may not. It was resolved to seek an official opinion from the Attorney General's Office on the matter.

A motion was called for by Vice Chairman Phillips to seek an official opinion from the Attorney General's Office clarifying whether or not the Code of Virginia prohibits a private security services business from providing SCOP services for-profit. Whereas a motion to seek and official opinion from the Attorney General's Office clarifying whether or not the Code of Virginia prohibits a private security services business from providing SCOP services for-profit was made by James Washburn Jr and seconded by Thomas Turner, it was unanimously approved.

Personal Protection Specialist (PPS)

At the December 3, 2012 PSSAB quarterly meeting Vice Chairman Phillips provided DCJS with an informational pamphlet on PPS services. Ms. McGee provided the Board with a draft of the language inserted by DCJS regarding what you should know before providing or contracting PPS services in Virginia. The information is not only intended to educate the consumer but also, to notify individuals who may be conducting unlicensed activity. Ms. McGee asked that they look at it and inform DCJS of any recommendations. DCJS' graphics department is waiting for the final go ahead from the Division. It will be posted on the DCJS website and copies will be made for distribution.

Vice Chairman Phillips asked the Board members to review the pamphlet and let him know if any changes should be made. He would like to get it distributed to the public as soon as possible.

New Business

Vice Chairman Phillips initiated discussion on considering having extra PSSAB meetings during industry symposiums and on consideration of bringing in outside speakers to speak to the Board on issues or their specialty during quarterly meetings. No decision was made regarding adding extra meetings to the annual schedule; however, it was resolved that the Board seek to bring in outside presenters.

A motion was called for by Vice Chairman Phillips to bring in outside speakers to speak to the Board on issues or their specialty during quarterly meetings. Whereas a motion to bring in

outside speakers to speak to the Board on issues or their specialty during quarterly meetings was made by James Washburn Jr and seconded by Craig Branch, it was unanimously approved.

Motion approved, it was decided that Vice Chairman Phillips would arrange for the first speaker.

Public Comment

Martha Clancy

Regarding bringing in speakers, Ms. Clancy suggested that the Board should seek to bring in speakers who are in alliance with the security industry.

Roy Taylor

Regarding SCOP issues, Mr. Taylor recommended further clarification on the use of personal vehicles by SCOPs; specifically, the use of red lights, siren, and insurance requirements.

Announcements

The 2013 Campus Safety and Violence Prevention Forum and 7th Annual North Carolina Higher Education Safety Symposium is being held in Roanoke, Virginia, March 18 - 20, 2013.

The 2013 Virginia School and Campus Safety Training Forum and State D.A.R.E. Conference is being held at the Hampton Roads Convention Center, Hampton, VA, August 5 - August 7, 2013.

Closed Session

At 12:37 PM, a motion was called for by Vice Chairman Phillips to conduct a closed session meeting to discuss a Board personnel matter. Whereas a motion to conduct a closed session meeting to discuss a Board personnel matter was made by Craig Branch and seconded by Thomas Turner, it was unanimously approved by a roll call vote. The Board went into closed session.

Open Session/Roll Call Taken

At 1:01 PM, Vice Chairman Phillips reconvened the open session meeting. Roll call was taken and a quorum of members were present. The meeting having been duly reconvened was ready to proceed with business.

Present

Vice Chairman Frank Phillips, Members Seth Oginz, Craig Branch, Daniel Schmitt, Charles Ciccotti, Robert Clark, Thomas Turner, Gary Ford, James Washburn Jr.

At that time a motion was called for by Vice Chairman Phillips to recognize the Vice Chairman as acting Chairman of the PSSAB, per page 4 of the PSSAB procedure manual, and that an acting Vice Chairman be nominated. Whereas a motion to recognize the Vice Chairman as acting Chairman of the PSSAB, per page 4 of the PSSAB procedure manual, and that an acting Vice Chairman be nominated was made by Seth Oginz and seconded by Charles Ciccotti, it was unanimously approved.

A motion was called for by Vice Chairman Phillips to nominate Dan Schmitt as Acting Vice Chairman. Whereas a motion to nominate Dan Schmitt as Acting Vice Chairman was made by Craig Branch and seconded by Seth Oginz, it was unanimously approved.

Adjournment

At 1:06 PM, a motion was called for by Vice Chairman Phillips to adjourn. Whereas a motion to adjourn was made by Charles Ciccotti and seconded by Seth Oginz, it was unanimously approved. The March 8, 2013 meeting of the PSSAB was adjourned.

Meeting Attendees:

DCJS Staff

Garth Wheeler, Director
Teresa Gooch, Division Director
Barbara Drudge, Towing Manager
Lisa McGee, Regulatory Manager
Neadie Moore, Licensing and Customer Service Manager

Industry

Judith Canterbury
Edwin Chery
Martha Clancy
Alan Donker
Carol Donker
Stuart Eanes
Ron McKown
James St. John
Roy Taylor
Kristopher W. Wilgus

2012 Annual Report

Activity	Accumulative Total 2012
New Cases Initiated – (Incoming Complaints Received)	TOTAL 341 Priority 1 = 84 (25%) Priority 2 = 46 (13%) Priority 3 = 211 (62%)
Open Cases / Investigation (Active Field Investigations)	TOTAL 49 Priority 1 = 1 Priority 2 = 6 Priority 3 = 42
Closed Investigations - Unfounded	490 (58%)
Closed Investigations - Founded	349 (42%)

Priority 1 – 3 - Cases are given a priority code ranking according to the nature and severity of the alleged violation during the Case Intake process. Priority 1 is the most severe/time sensitive and Priority 3 being the least severe/time sensitive.

Unfounded / Invalid - Cases that are closed after an investigation has been completed resulting in *insufficient evidence* to support a violation of the Code of Virginia or Regulations or a complaint that is not within our statutory authority to investigate.

Founded/Valid - Cases that are closed after an investigation has been completed resulting in *sufficient evidence* to support a violation of the Code of Virginia or Regulations.

Current Activity	Accumulative Total 2012
Open Cases in Adjudication	251
• Adjudication Review	132
• Consent Order Status	231 Issued
• Summary Suspensions	26 Issued
• Cases Under Appeal	38 IFFCs conducted 3 Formals conducted
Cases Fully Ratified (CLOSED)	197

Adjudication Review - Cases that have been forwarded to Adjudication from the Compliance/Enforcement Team that are pending review for appropriate disciplinary action and sanctions.

Consent Order Status - A Consent Order has been issued to the respondent establishing the sanctions and advising the respondent of their right to appeal pursuant to the Administrative Process Act . Cases will remain in Consent Order status until they are either accepted by the respondent, request an appeal hearing, or fail to respond and the timeframe to appeal has expired.

Summary Suspensions - Emergency action taken by the Department in which a respondent's credentials are summarily suspended due to public safety issues. These normally include bond forfeitures or criminal activity.

Cases under Appeal - A respondent has appealed the consent order or summary suspension pursuant to the Administrative Process Act. Cases will remain in the appeal status while hearings are scheduled, conducted and/or final decision has been issued and all appeal timelines have been exhausted. The stages of appeal are as follows:

- IFFC – Informal Fact Finding Conference
- Formal Hearing
- Appeal before the Criminal Justice Services Board
- Appeal to the Circuit Court
-

Ratified - Cases are closed upon the acceptance of a consent order, failure to respond to or appeal a consent order, or a decision has been issued to uphold the Department's action and the appeal process has been exhausted

Activity	Accumulative Total 2012	
Total Applications	31,183	
<i>Licenses/Certifications Issued</i>	<i>Initial</i>	<i>Renewal</i>
Business Licenses	267	797
Registrations	10,564	12,157
Compliance Agent Certifications	334	837
Training School Certifications	13	56
Instructor Certifications	86	224
Special Conservator of the Peace	112	615
Bail Bondsman Licenses	53	97
Bail Enforcement Agent	54	27
Fingerprint Cards Scanned & Transmitted to VSP	16,355	
Criminal History Records Reviewed & Processed	17,041 Total Approved – 16,023 Canceled - 753 Denied -265	

Activity	Accumulative Total 2012
Walk-In Customers Served	3,483
Telephone Calls Handled	Pending final annual report*
FOIA Requests Processed	152
Photo Credentials Issued	32,545 Total 13,244 – Armed 19,301 - Unarmed